

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-40-10 Angela Wilson

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: June 2, 2010 .

CERTIFICATE OF SERVICE

This is to certify that on June 21, 2010, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DER, Building Code Official, Permits & Review Div.

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Angela Wilson

Appeal No.: V-40-10

Subject Property: Lot 5, Good Meadows Subdivision, being 2303 Whitehall Street, Suitland,
Prince George's County, Maryland

Heard and Decided: June 2, 2010

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Petitioner proposes to validate an existing condition and construct a deck. A variance of 6 feet rear yard depth/width is requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1997, contains 6,512 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. See Exhibits ("Exhs.") 2, 4, 10-11. The property was improved with a single-family dwelling in 2001. See Exh. 10.
2. The rear yard behind the house is not deep. See Exh. 2.
3. Petitioner would like to construct a 12' x 24' deck on the rear of the **house**, but a variance is needed before a building permit may be obtained for the construction. See Exhs. 2, 8. Since an existing 13' x 15' covered patio on the rear of the dwelling is located 14 feet from the rear lot line, a variance of 6 feet rear yard depth/width was requested to validate the covered patio and allow construction of the deck 17 feet from the rear lot line. Exh. 14.
4. Petitioner further testified that she has existing sliding doors she cannot use on the second level of the rear of her house. See Exhs. 5(A)&(B). She stated that she currently has no rear exit on the second level and the proposed deck will provide an additional exit from the house. She explained that neighbors on adjoining properties have decks.

Applicable Code Section And Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the shallowness of the rear yard, the existing conditions on the property, the proposed deck providing an additional safety exit from the house, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 6 feet rear yard depth/width in order to validate and obtain a building permit for an existing 13' x 15' covered patio and proposed 12' x 14' deck on the property located at Lot 5, Good Meadows Subdivision, being 2303 Whitehall Street, Suitland, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(A) & (B).

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.